

REMARKS

In the above-mentioned Office action, all of the pending claims, claims 1-7, were rejected. Claims 1-7 were rejected under Section 102(b) over *Seekins*.

Responsive to the rejection of the claims, independent claims 1 and 6 have been amended, as set forth herein, in manners believed better to distinguish the present application over the cited reference used thereagainst. Amendments to various of the dependent claims are made responsive to amendments to their respective parent claims. And, new, dependent claim 8 is submitted, dependent upon claims 6 or 7.

As now-presented, independent claims 1 and 6 are believed to recite subject matter that is patentably distinguishable over *Seekins* for reasons that follow.

With respect to exemplary claim 1, the claim has been amended, now to recite the step of identifying, from the measurement data, a best cell which best meets cell selection criteria. And, the claim further has been amended to recite the step of re-initiating a scanning step including the scanning of frequency bands but with the omission from the scan of the cell previously identified as the best cell. Claim 6 has been analogously amended.

Support for the amendments is found in the specification, for instance, on page 8, lines 5-10 and in Figures 2-5, e.g., steps 208, 310, 410, and 510, respectively.

Review of *Seekins* indicates that the reference is directed towards a manner by which to reduce connection time to a cell by provision of a preferred band map of most recently visited cell control frequencies in addition to a known provision of a comprehensive list of frequencies in a fixed band map. Column 3 of the reference comprises an initial scan of the preferred band map to identify a strongest carrier, then connection to that carrier. See, e.g., the text:

“The mobile station chooses the strongest carrier and performs the step of connecting to the serving cell corresponding with the strongest carrier signal as shown in block 208. The step of connecting comprises reading the broadcast control information on the control channel on the control frequency, requesting a channel, and establishing a link with the serving cell.” (lines 7-13)

Following connection, it is then determined if the chosen cell is suitable. If not, a scan is carried out of the fixed band map (a different frequency band list), to identify a further best cell.

This operation differs with the methodology recited in claim 1, as now-presented. In the cited reference, determination of whether an identified cell is suitable is carried out after cell selection when the user equipment device is camped on the cell, i.e., the step of connecting to the serving cell, just-noted. Further, rescanning in the cited reference comprises merely scanning a different frequency band. In contrast, claim 1, as now presented, recites that scanning of the same frequency bands is re-initiated, excluding the one identified best cell that is deemed to be unsuitable. Yet further, the cited reference excludes the frequency of the unsuitable cell from the second scan. In contrast, claim 1, as now presented, excludes from the re-initiation of the first scan of the cell previously identified as the best cell, that is deemed unsuitable.

The figures illustrate such differences. Figure 2 of the cited reference shows steps 208 and 224 showing connection to a strongest cell while, in contrast, the final steps of cell selection are shown in Figures 2-5 of the illustrations of the application of the present invention.

Furthermore, in the alternative embodiment shown in the cited reference, when the initial scan of the preferred band map fails to identify a best cell, a scan is carried out of the fixed band map. This alternate embodiment also differs with the invention recited in claim 1, as now presented. In particular, there is no identification from measurement data of a cell that best meets the cell selection criteria, and there is no determination of whether such a best cell is suitable, as recited in the steps of identifying and determining. Further, in the alternate embodiment, shown in the cited reference, the second scan that is carried out does not include a omission from the frequency band of the first scan of a cell identified as a best, but unsuitable cell.

For these reasons, therefore, independent claim 1, as now presented, is believed to be distinguishable over the cited reference. Apparatus claim 6 is analogously believed to be distinguishable over the cited reference for the same reasons.

More generally, the general goals of the present invention and the disclosure of the cited reference differ. Very generally, the present invention provides a method that minimizes user equipment device activation prior to cell selection and camping on a cell. Page 8, lines 5-10, for instance, state that the user equipment device performs cell selection measurements when it is currently not camped on a cell. This is achieved, e.g., by reinitiating a scanning step and comprising scanning of frequency bands already scanned, with the exclusion from the scan of a cell identified as a best, but unsuitable cell, with the steps being performed prior to cell selection when the user equipment device is not camped on a cell.

In contrast, the goal of the cited reference appears to attempt to reduce connection time. Connection is made after an initial scan with determination of whether the selected and connected-to cell is suitable being performed after the connection step. This determination step occurs after cell connection is key to the goal of the cited reference to minimize the initial connection time. Central to achieving the aim of the cited reference is the provision of the preferred band map not being the same as the comprehensive fixed band map. When a best, connected-to cell in the cited reference is deemed unsuitable, it is not the preferred band map that is rescanned, but rather the fixed band map, avoiding the preferred frequencies already scanned. See, e.g., column 4, lines 12-15. Starting from this disclosure set forth in the cited reference, it would not be obvious for a skilled person to consider the invention recited in claims 1 and 6, as now presented, in which best cell identification, best cell suitability determination, and rescanning are all carried out prior to cell selection. There is simply no suggestion that it would be technically possible to perform the best cell suitability determination step using the method set forth in the cited reference given that suitability is assessed in the cited reference using criteria appropriate for when connected to a cell. Furthermore, there is no suggestion in the cited reference of exclusion from a second scan of a cell identified as a best, but unsuitable, cell. Reference to exclusion of all previously scanned, preferred frequencies, from a second scan rather would lead a skilled person away from this feature of the present invention. Re-initiating the same scan in the cited reference would, in fact, be contrary to the goal of the cited reference.

Application No.10/775,029
Amendment dated June 1, 2006
Reply to Office Action of March 1, 2006

The cited reference further includes reference to maintenance of a preferred band map. Maintenance of this list at a pre-determined length does not lead a skilled person towards the present invention.

As the dependent claims include all the limitations of their respective parent claims, these claims are believed to be patentably distinguishable over the cited reference for the same reasons as those given with respect to the independent claims set forth above.

In light of the foregoing, independent claims 1 and 6, as now presented, and the dependent claims dependent thereon are believed to be in condition for allowance. Accordingly, reexamination and reconsideration for allowance of these claims is respectfully requested. Such early action is earnestly solicited.

Respectfully submitted,

/Robert H. Kelly/

Robert H. Kelly
Registration No. 33,922

SCHEEF & STONE, L.L.P.
5956 Sherry Lane, Suite 1400
Dallas, Texas 75225
Telephone: (214) 706-4201
Fax: (214) 706-4242
robert.kelly@scheefandstone.com